



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 8, 1995

Mr. J. Ron Young
Young & Brooks
1415 Louisiana, Fifth Floor
Houston, Texas 77002-7349

OR95-375

Dear Mr. Young:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32102.

The West Harris County Municipal Utility District No. 21 (the "district") received a request for the names, addresses, and amount of bonds held by bondholders of the district. You inform us that you have provided the names and addresses but have withheld the amounts of the bonds from the requestor. You claim that the amount of bonds held by each bondholder is excepted from disclosure pursuant to section 552.101 under common-law or constitutional privacy.

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." For information to be protected from public disclosure under the common-law right of privacy, the information must meet the criteria set out in *Industrial Foundation v. Texas Industrial Accident Board*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). The court stated that

information ... is excepted from mandatory disclosure under Section 3(a)(1) as information deemed confidential by law if (1) the information contains highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person, and (2) the information is not of legitimate concern to the public.

540 S.W.2d at 685; Open Records Decision No. 142 (1976) at 4 (construing statutory predecessor to Gov't Code § 552.101).

Information regarding a financial transaction between an individual and a governmental body is a matter of legitimate public interest, and the doctrine of common-law privacy generally does not protect from disclosure information regarding such a transaction. Open Records Decision No. 590 (1991) at 3, 523 (1989) at 3-4. Moreover, common-law privacy does not protect "basic facts" concerning a financial transaction between an individual and a governmental body. Open Records Decision Nos. 523 (1989), 385 (1983).

An individual's purchase of a bond from a governmental entity is a financial transaction between the bondholder and a public body, relating to the receipt and expenditure of public funds. As such, it does not involve facts about the individual's private affairs. The public has an interest in knowing how public entities are funded. This concern extends to the amount and identity of the bondholder. Thus, we do not find that common-law privacy bars disclosure of the requested documents.

The right to privacy guaranteed under the United States Constitution protects two related interests: (1) the individual's interest in independence in making certain kinds of important decisions, and (2) the individual's interest in avoiding disclosure of personal matters. See Open Records Decision No. 478 (1987) at 4. The first interest applies to the traditional "zones of privacy," that is, marriage, procreation, contraception, family relationships, and child rearing and education. See Open Records Decision No. 447 (1986) at 4. The second protects information by employing a balancing test that weighs the privacy interest against the public interest. Open Records Decision No. 478 (1987) at 4. It protects against "invasions of privacy involving the most intimate aspects of human affairs." Open Records Decision No. 455 (1987) at 5 (citing *Ramie v. City of Hedwig Village*, 765 F.2d 490, 492 (5th Cir. 1985), *cert. denied*, 474 U.S. 1062 (1986)). Financial dealings between an individual and a public body cannot be considered an intimate aspect of life; the information is not excepted from disclosure pursuant to constitutional privacy interests. Open Records Decision No. 590 (1991). Therefore, you must release the requested information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Kimberly K. Oltrogge". The signature is written in dark ink and is positioned above the printed name.

Kimberly K. Oltrogge
Assistant Attorney General
Open Government Section

KKO/LMM/rho

Ref.: ID# 32102

Enclosures: Submitted documents

cc: Mr. Bob Sablatura
Reporter
Houston Chronicle
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(w/o enclosures)